

\_\_\_\_\_ **AREA AGENCY ON AGING**

**MONITORING TOOL FOR  
TITLE III-B/TITLE VII-A OMBUDSMAN PROGRAM**

**OMBUDSMAN PROGRAM:** \_\_\_\_\_

**DATE OF MONITORING VISIT:** \_\_\_\_\_ **LOCATION:** \_\_\_\_\_

**AAA STAFF IN ATTENDANCE:** \_\_\_\_\_

**OMBUDSMAN PROGRAM STAFF IN ATTENDANCE:** \_\_\_\_\_

In addition to following all applicable federal and State laws, California Long-Term Care Ombudsman Programs share in the mission of advocating for dignity, quality of life, and quality of care for all residents in long-term care facilities. California Long-Term Care Ombudsman Programs share the vision of a long-term care system in which the individual resident retains choice and control. California Long-Term Care Ombudsman Programs adhere to the six Core Elements established in June 2000 by the California Ombudsman Strategic Action Task Force (COSAT). Those core elements are:

- 1) Receive, Investigate, and Resolve Complaints
- 2) Ensure a Regular Presence in Long-Term Care Facilities
- 3) Address Patterns of Poor Practice
- 4) Maximize Community Awareness and Involvement
- 5) Influence Public Policy
- 6) Ensure Effective Program Administration

ITEM	YES	NO	COMMENTS
<b>SECTION A - PROGRAM MANAGEMENT</b>			
1. Does the Ombudsman Program provide services to assist residents of long-term care (LTC) facilities in protecting their health, safety, welfare, and rights? Please describe services provided. [OAA, Section 712, (a)(5)(B)(i); W&I Code, Section 9726.1]			
2. Does the Ombudsman Program inform residents of LTC facilities about the means of obtaining services from the Program and other agencies? Please describe how the Ombudsman Program conducts outreach. [OAA, Section 712, (a)(3)(C)]			
3. Does the Ombudsman Program have an up-to-date Facility Coverage Plan? [Ombudsman Program Guide, Section 303]			

ITEM	YES	NO	COMMENTS
4. Does the Ombudsman Program Coordinator/Manager ensure that residents of LTC facilities have regular and timely access to the services provided by the Program? Please describe. [OAA, Section 712, (a)(5)(D)(ii); W&I Code, Section 9722 (a)]			
5. Does the Ombudsman Program ensure that residents and complainants receive timely responses, to complaints, from representatives of the Office? On average, how long does it take for the Ombudsman Program to respond to a complaint? [OAA, Section 712, (a)(3)(D); W&I Code, Section 9720 (b)]			
6. Does the Ombudsman Program represent the interests of residents of LTC facilities before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents? Please describe your activities in this area. [OAA, Section 712, (a)(5)(E)(iv); W&I Code, Section 9721 (a)]			
7. Does the Ombudsman Program provide training for representatives of the local program? Please discuss the frequency and content of training provided. [OAA, Section 712, (a)(3)(H)(i); W&I Code, Section 9719]			
8. Does the Ombudsman Program review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents? Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure. [OAA, Section 712, (a)(5)(E)(v)(I)]			
9. Does the Ombudsman Program facilitate the ability of the public to comment on laws, regulations, policies, and actions? Please describe your activities in this area and any limitations you may have in this area as a result of your organizational structure. [OAA, Section 712, (a)(5)(E)(v)(II)]			
10. Does the Ombudsman Program promote the development of citizen organizations, e.g., elder abuse coalitions, to participate in the Program? Please describe your activities in this area. [OAA, Section 712, (a)(3)(H)(ii)]			

ITEM	YES	NO	COMMENTS
11. Is the Ombudsman Program involved in the development/support of resident and family councils? Please describe your activities in this area, e.g., the number of resident and family council meetings attended on an annual basis. [OAA, Section 712, (a)(5)(E)(vi); W&I Code, Section 9726.1 (c)]			
12. Do representatives of the Ombudsman Program conduct all interviews and investigations in a confidential manner? Please describe how interviews are conducted and the phone and voicemail systems used. [OAA, Section 712, (d)(1)(2), et. seq.; W&I Code, Section 9725]			
13. Is the Ombudsman Program Coordinator/Manager exercising responsibility for the management of daily operations of the Program? Please provide a copy of the Ombudsman Program Coordinator/Manager's duty statement or job description. [W&I Code, Section 9701 (e)]			
14. Is the approved agency and its representatives free from conflicts of interest and unable to gain financially through an action or potential action initiated on behalf of individuals the Ombudsman serves? Please describe the methods used to remove potential or actual conflicts of interest. <i>The AAA staff member will review a random sample of signed conflict of interest statements from five staff and/or volunteer personnel files.</i> [OAA, Section 712, (a)(5)(C)(ii), et seq.]			
15. Does the Ombudsman Program coordinate services with other agencies in the community? Please discuss the agencies with which the Ombudsman Program coordinates activities, and the objective of the association. [OAA, Section 712, (h)(6), et seq.; W&I Code, Section 9717, et seq.]			
16. Does the Ombudsman Program have a Memorandum of Understanding in place with the Title III Legal Services Provider? Please discuss the relationship between the two organizations. [OAA, Section 712, (h)(7); W&I Code, Section 9717 (c)]			

ITEM	YES	NO	COMMENTS
17. Does the Ombudsman Program ensure that every LTC facility posts a copy of the Ombudsman Poster (one in RCFEs and four in SNFs)? [W&I Code, Section 9718]			
18. Does the Ombudsman Program make appropriate referrals of complaints? Please discuss the referral process, the types of referrals made, to whom, and if the Ombudsman Program follows up on complaints referred. [W&I Code, Section 9721, et seq.]			
19. Do representatives of the Ombudsman Program have the right of entry to LTC facilities? What does the representative do if access is denied? [OAA, Section 712 (b)(1)(A); W&I Code, Section 9722 (a)]			
20. Does the Ombudsman Program follow the procedures established for after-hours entry into a LTC facility? Under what circumstances does an Ombudsman enter a facility after-hours? [Title 22, Division 1.8, Chapter 6, Article 2, Section 8020 (b)]			
21. Does the Ombudsman Program follow the prescribed method of gaining access to the medical or personal records of residents? Please describe the process used. [W&I Code, Section 9724, et seq.]			
22. Does the Ombudsman Program have an active Board of Directors or Advisory Council? Does the Board or Council meet on a regular basis? Are there any vacancies on the Board or Council? Are Board or Council members free from conflicts of interest? <i>The AAA staff member will review the minutes from the last two meetings of the Advisory Council and/or Board of Directors.</i> [PM 90-61]			
23. Does the Ombudsman Program have job descriptions for all staff (paid and volunteer)? [PM 92-14]			
24. Does the Ombudsman Program regularly recognize volunteers working in the Program? [PM 03-13]			
25. Does the Ombudsman Program have printed materials to increase public awareness about the Program? [Ombudsman Program Guide, Section 301]			

ITEM	YES	NO	COMMENTS
26. Are the printed materials up-to-date and accurate? How are the printed materials distributed? [Ombudsman Program Guide, Section 301]			
27. Does the Ombudsman Program conduct educational activities in the community? Please discuss the type and number of training sessions provided, where, and to whom the activities were provided. [Ombudsman Program Guide, Section 301]			
28. Does the Ombudsman Program provide training for LTC facility staff? Please describe the type and number of training sessions provided. [Ombudsman Program Guide, Section 301]			
29. Does the Ombudsman Program witness Advanced Health Care Directives (AHCDs) and Property Transfers? Please describe the process used. [Probate Code, Section 4675; H&S Code, Section 1289]			
30. Does the Ombudsman Program have access to all relevant laws, regulations, etc., i.e., Legislative web site? [OAA, Section 712, (a)(5)(B)(v)]			
31. Does the Ombudsman Program conduct a customer satisfaction survey? Please provide a copy of and discuss the findings of the survey. [Ombudsman Program Guide, Section 301]			
32. Is the ratio of paid staff to volunteers consistent with the Institute of Medicine's recommendations of 1 FTE for every 20-40 volunteers? Please discuss the structure of your program's support for volunteers. [IOM, Real People, Real Problems, Recommendation 5.8]			
33. Are Ombudsmen certified by the State before assuming their responsibilities and working in facilities? [Ombudsman Program Guide, Section 305]			
34. Is the Ombudsman Program Coordinator/Manager submitting requests for decertification of Ombudsmen to the State as soon as the volunteer or paid staff member resigns or is terminated? [Ombudsman Program Guide, Section 305]			

ITEM	YES	NO	COMMENTS
35. Are there grievance procedures in place to address complaints against the Ombudsman Program from Ombudsmen? [Title 22, Division 1.8, Chapter 3, Article 5, Section 7400, et seq.]			
36. Are there grievance procedures in place to address complaints against the Ombudsman Program from consumers? [Title 22, Division 1.8, Chapter 3, Article 5, Section 7400, et seq.]			
<b>SECTION B - FISCAL &amp; ADMINISTRATIVE SUPPORT</b>			
1. Is the Ombudsman Program Coordinator/Manager responsible for establishing and monitoring the budget for the Program? Please describe how the Ombudsman Program Coordinator/Manager establishes the budget and monitors expenditures. [PM 91-59]			
2. Does the approved organization maintain a separate budget and expenditure accounting for the Ombudsman Program that supports monitoring of the minimum-funding requirement for the Program? Please describe your agency's accounting procedures. [OAA, Section 306, (a)(9)]			
3. Does the approved organization maintain a separate budget and tracking system for expenditures under the Volunteer Recruitment Initiative? Please describe your system. [PM 03-13]			
4. Is there a cost allocation method used by the Ombudsman Program? Please describe which method is used.			
5. Does the Ombudsman Program have the office space and telecommunication equipment necessary to protect the confidentiality of all complaint-related communications and records? Please describe your system. [PM 91-59]			
6. Does the Ombudsman Program have the IT equipment and software necessary to send and receive confidential e-mail messages to or from the California Department of Aging? Please describe your system. [OAA Section 712, (c), W&I Code, Section 9716]			
7. Does the Ombudsman Program submit required financial reports to the Area Agency on Aging on time, as specified in the contract? [AP Contract, Exhibit B, Article III, A]			

ITEM	YES	NO	COMMENTS
<b>SECTION C – DATA</b>			
1. Does the Ombudsman Program have the Information Technology (IT) equipment and software necessary to operate the State-approved database system? Please describe your system. [PM 01-17]			
2. Has the Ombudsman Program submitted to the Office of the State Long-Term Care Ombudsman the required quarterly and annual reports by each due date as specified in the contract? [PM 01-17]			
3. If applicable, has the Ombudsman Program submitted a written explanation to the Office of the State Long-Term Care Ombudsman whenever they anticipated delays in the submission of the required reports? This must include the reasons for the delay and the approximate date the report will be delivered. [PM 01-17]			
4. Does the Ombudsman Program identify patterns of poor facility practices based on NORS complaint data? Please describe. [California Ombudsman Program Core Element #3]			
<b>SECTION D – CORE ELEMENTS/SELF ASSESSMENT</b>			
1. Does the Ombudsman Program have a copy of the LTC Ombudsman Core Elements and related tools? [California Ombudsman Program Core Elements]			
2. Has the Ombudsman Program trained its staff and volunteers on the core elements as major capabilities or areas of focus for the Program? [California Ombudsman Program Core Elements]			
3. Has the Ombudsman Program used the Core Elements Self-Assessment Tool? [California Ombudsman Program Core Elements]			
4. Based on the Core Elements Self-Assessment Tool, does the Ombudsman Program possess the “essential” attributes that are necessary to fulfill federal and State mandates affecting the Program? Please discuss any areas where the Ombudsman Program fails to possess “essential” attributes. [California Ombudsman Program Core Elements]			

ITEM	YES	NO	COMMENTS
5. Based on the Core Elements Self-Assessment Tool, does the Ombudsman Program possess any “exemplary” attributes that go beyond the legislative and regulatory mandates for the Program? Please discuss any “exemplary” attributes. [California Ombudsman Program Core Elements]			
6. Has the Ombudsman Program established standards for demonstrating the effectiveness of the Program, e.g., percentage of complaints resolved to the satisfaction of the resident? Please discuss. [California Ombudsman Program Core Elements]			
7. Does the Ombudsman Program Coordinator/Manager see any areas for development or technical assistance needs in the local Program? Please describe. [California Ombudsman Program Core Elements]			
8. Does the Ombudsman Program Coordinator/Manager see any major strengths in the Program? Please describe. [California Ombudsman Program Core Elements]			



**SECTION E – CONCLUDING OBSERVATIONS, RECOMMENDATIONS, & CORRECTIVE ACTION REQUIRED**

*The AAA staff member shall conclude this tool with any observations, recommendations and corrective action necessary. The analyst will record his or her observations, recommendations, and corrective action required in the section below.*